

## **Exhibit 2**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

DEMETRIUS BROWN,  
Plaintiff,

- v -

U.S. DEPARTMENT OF JUSTICE, et al.,  
Defendants.

:  
:  
:  
: Civil Action No. 04-0379 (Erie)  
:  
:

DECLARATION OF MONICA RECKTENWALD

I, Monica Recktenwald, make the following declaration under penalty of perjury:

1. I am an Executive Assistant and Legal Liaison, employed by the United States Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution (FCI), McKean, Pennsylvania. I have been employed in this capacity since approximately August 22, 2004.

2. As a Legal Liaison at FCI McKean, I have access to most records maintained in the ordinary course of business at FCI McKean. Also, as the Executive Assistant at FCI McKean, I am familiar with the operations, management and administration of FCI McKean.

3. Until sometime in 1998, inmate quarters history for inmates incarcerated at FCI McKean was maintained only by housing unit divisions, and inmate rooms were not specifically listed in the quarters history. As a result, until sometime in 1998, the exact room assignment for inmates incarcerated at FCI McKean could not be determined. In 1998, FCI McKean started including room assignments for all inmates incarcerated at FCI McKean.


4. Attached hereto, please find a true and correct copy of the following documents, which are maintained at FCI McKean in the ordinary course of business:

- a. Institution Supplement 1640.2, Smoking/No-Smoking Areas (December 27, 1995);

- b. Institution Supplement 1640.03, Smoking/No-Smoking Areas (December 8, 1997);
- c. Institution Supplement 1640.03, Smoking/No-Smoking Areas (June 21, 2002);
- d. Memorandum dated June 15, 2004;
- e. Institution Supplement 1640.04, Smoking/No-Smoking Areas (November 5, 2004).

Pursuant to the provisions of 28 U.S.C. §1746, I  
declare under penalty of perjury that the foregoing is  
true and correct.

Executed on this 9th day of January, 2007.

  
Monica Recktenwald  
Executive Assistant  
Federal Correctional Institution  
McKean, Pennsylvania